IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 9291 of 1995

Between:

1 Kuppili Venkata Ramana S/o Appanna
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
2 Kuppili Simhachalam W/o late Appanna
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
3 Yarikina Apparao S/o late Masenamma
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
4 Gorikina China Thathaiah S/o Peda Thathaiah
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
5 Kippili Seethaiah Reddy S/o Musalaiah Reddy
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
6 Chapala Appayamma S/o late Veeranna
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
7 Chapala Varahala Rao S/o late China Appanna
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
8 Karri Mangi Reddy S/o late Seethaiah
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
9 Digumarthi Bullabbayi S/o late Appalaswamy
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
10 Smt. Yannam Reddy Appayyamma W/o Apparao
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
11 Neelapu Apparao S/o late Chinnayya Reddy
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.
12 Dalli Venkata Reddy S/o late Appala Reddy

R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

13 Yannamreddi Nookaratnam W/o late Musalaiah
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

14 Palika Atchaiah S/o late Sarappa
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

15 Neelapu Varahala Rao S/o Musalaiah
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

16 Benugu Appanna S/o late Appanna
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

17 Salapu Achayamma W/o late Appala Reddy
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

18 Palla Veerraju S/o Chittaiah Reddy
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

19 Palla Venkata Ramana S/o Appa Reddy
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

20 Pala Achayamma W/o late Mangayya
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

21 Kaki Apparao S/o Appanna
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

22 Kaki Thalupulamma W/o Thata Rao
R/o Kumarapuram Village, Payakaraopet Mandal,
Visakhapatnam Dist.

..... PETITIONERS

AND

1 The District Collector Visakhapatnam
Visakhapatnam

2 The Mandal Revenue Officer Payakaraopet, Visakhapatnam Dist.
Payakaraopet. Visakhapanam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more especially one in the nature of Writ of Mandamus declaring the proceedings of the Mandal Revenue Officer, payakaraopet in his Procs. No.RNC/94 HA dt: 18-4-95 as wholly without jurisdiction, illegal and arbitrary

Counsel for the Petitioners: MR.P.SRI RAGHU RAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following ORDER:

The present writ petition has been filed to declare the proceedings No.RNC.419/94HA, dated 18.04.1995 of the Mandal Revenue Officer, Payakaraopet, as illegal and arbitrary.

Learned counsel for the petitioners contends that the lands in S.Nos.218/1,236,237,238,239/1,230,235,229 were provisionally assigned to the petitioners on 30-05-1970 by the then Tahsildar, Yellamanchilil vide proceedings D.C.No.1241 of 1979-A2 and the same was confirmed by way of D.Form in D.C.No.1270 of 1979-A5 and since then, the petitioners are in possession and enjoyment of their respective lands. Thereafter, 2nd respondent issued notice to the petitioners alleging that they are in unauthorized occupation and by proceedings dated 18-4-1995, the Revenue Inspector has been directed to evict the petitioners immediately.

Per contra, the learned Government Pleader appearing on behalf of the respondents vehemently contended that the petitioners are encroachers and prior notice also has been issued to them before passing the orders.

A perusal of the impugned order goes to show that on inspection of the Government Lands in Kumarapuram village, the 2nd respondent-Mandal Revenue Officer came to know that the petitioners are encroachers of the lands in the above said survey numbers. However, the factum of issuance of prior notice is not reflected in the impugned proceedings.

Without going into the merits of the case, it would suffice, if liberty is granted to the petitioners to make appropriate representations to the 2nd respondent with regard to the assignment proceedings within a period of four weeks from the date of receipt of a copy of this order. On such representations, the Mandal Revenue Officer concerned, shall dispose of the same in accordance with law within a period of three months thereafter. Till such time, the interim orders passed by this Court shall

continue.

With the above said directions, the writ petition is disposed of. No costs.

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02-09-2004

va

To

1 The District Collector Visakhapatnam
Visakhapatnam
2 The Mandal Revenue Officer Payakaraopet, Visakhapatnam Dist.
Payakaraopet. Visakhapanam Dist.

3 Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad(OUT)

4 Two CD Copies